

Attachment 2

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DEFINITION OF PEACEFUL USES OF OUTER SPACE  
(Contingency)

THE PROBLEM:

The Soviets have sought in the Outer Space Committee and its Legal Subcommittee meetings to define "principles" of peaceful uses of outer space which would exclude reconnaissance and other military uses. There is, moreover, widespread confusion over the distinctions between "peaceful" and "aggressive," "military" and "civilian," and "legal" and "prohibited." Peaceful is often used as the opposite of military, and as a device to create unnegotiated "prohibitions" on military uses of space.

UNITED STATES POSITION:

The United States has played a major role in the United Nations development of general principles to guide states in the uses and exploration of outer space. The principle is firmly established that outer space should be free for use by all in accordance with international law and not subject to national appropriation. Furthermore, members of the United Nations have agreed to "refrain from the use or threat of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." (United Nations Charter, Art. II, Para. 4). The United States conducts its outer space activities in accordance with these fundamental principles.

In the context of outer space activities, the United States seeks to counter any efforts to equate the distinction between "peaceful" and "aggressive" with that between "civilian" and "military." Though the United States does not view further definition of the terms "peaceful uses" or "peaceful purposes" as necessary or appropriate at this time, our view is that these terms clearly refer to activities consistent with international law, including the United Nations Charter. They refer to activities which do not constitute the threat or use of force against the territorial integrity or political independence of any state, and are not in any other manner inconsistent with the purposes of the United Nations.

General Assembly Resolution 1721 (XVI) is the basic pronouncement of the international community on the law of outer space. This resolution "Commends to states for their guidance in the exploration and use of outer space the following principles:

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- "(a) International law, including the Charter of the United Nations, applies to outer space and celestial bodies;
- "(b) Outer space and celestial bodies are free for exploration and use by all in conformity with international law and are not subject to national appropriation."

The United States has taken the position that these two principles are currently the law.

Thus at present there are no restraints on military activities in peace short of use or threat of the use of force. As a major step towards ensuring that the arms race does not extend to outer space, the United States has proposed that in the first stage of general and complete disarmament the placing into orbit of weapons of mass destruction shall be prohibited. The United States itself has no program to place weapons of mass destruction into orbit in outer space, as we have announced, though we will of course, take such steps as are necessary to defend ourselves and our allies if the Soviet Union forces us to do so.